

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JULIO M. CALDERON,

Defendant.

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Case No. 10-0129-CR-W-GAF

ORDER

On October 5, 2010, Defendant's counsel filed a motion for a determination of the mental competency of the defendant to stand trial. That motion was granted and, prior to holding a hearing to determine the mental competency of the defendant, the Court entered its Order directing that a psychological or psychiatric examination of the defendant be conducted and that a psychological or psychiatric report be filed with the Court.

Now before the Court is the psychological or psychiatric report of Dr. David E. Morrow, which concluded that the defendant is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense.

On January 5, 2011, a hearing was held pursuant to 18 U.S.C. § 4247(d) for the purpose of determining the mental competency of the defendant to stand trial. Counsel for the government and counsel for the defendant stipulated that the Court could consider the psychological or psychiatric report of Dr. David E. Morrow as if Dr. Morrow had appeared in person and testified under oath. No additional evidence was offered by the government or by the defendant.

On January 6, 2011, United States Magistrate Judge John T. Maughmer issued his Report and Recommendation.

Upon careful and independent review of the record, as well as the applicable law, and there being no objections filed to the Report and Recommendation, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge John T. Maughmer.

Accordingly, it is

ORDERED that defendant Julio M. Calderon is found to be competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense.

/s/ Gary A. Fenner
GARY A. FENNER, JUDGE
United States District Court

DATED: January 27, 2011